

Gerald Rosenblatt
Manager
Technical and Regulatory Affairs
703/907-7722
e-mail: grosenbl@tia.eia.org

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TELECOMMUNICATIONS®
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INDUSTRY ASSOCIATION

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July 12, 1999
Magalie Salas, Esquire
Federal Communications Commission
445 12th Street SW, Room TW-B204
Washington, D.C. 20554

Re: RM-9649
Request a Declaratory Ruling on Partial-Band
Licensing of Earth Station in the Fixed Satellite
Service that Share Terrestrial Spectrum and
Petition for Rule Making to Set Loading
Standards for Earth Stations in the Fixed
Satellite Service that Share Terrestrial
Spectrum.

Dear Ms. Salas:

The Satellite Communications Division of the Telecommunications Industry Association is submitting this document in opposition to the above referenced filing by the Fixed Wireless Communications Coalition.

Please advise should you require further information information.

Sincerely,



Gerald Rosenblatt
Manager, Technical and Regulatory Affairs
Telecommunications Industry Association

Enclosures

cc: All Commissioners
International Bureau, Chief
Tom Tycz, Chief Satellite & Radiocommunication Division
WTB, Chief
Office of Engineering and Technology, Chief
Charles Magnuson, Esquire

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Before the
Federal Communications Commission
Washington, DC 20554

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Spectrum)

RM 9649

OPPOSITION
FROM THE SATELLITE COMMUNICATIONS DIVISION OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Satellite Communications Division of the Telecommunications Industry Association¹ (the "SCD") hereby opposes the Fixed Wireless Communications Coalition (the "FWCC") Request for Declaratory Ruling and Petition for Rulemaking - RM-96-49.

In the United States, the frequency coordination and licensing processes has worked well for many years and continues to work well to the mutual benefit of

¹ TIA is a full-service national organization with membership of over 1000 large and small companies which provide communications and information technology products, materials, systems, distribution services and professional services in the United States and countries around the world. TIA represents the telecommunication industry in association with the Electronic Industries Alliance. On occasion, TIA files in its own name representing the entire association. More often, a TIA division or section of a division of TIA will file in a proceeding representing the views of only the members of that division or section. This filing is from the Satellite Communications Division of TIA and is in response to the filing of the Fixed Wireless Communications Coalition members.

both the satellite and terrestrial communications communities. The fundamental underlying rationale for the FCC's licensing approach to satellite earth stations remains valid. For the reasons discussed below, the Commission should deny the request for Declaratory Ruling and dismiss the Petition for Rulemaking filed by the FWCC.

The existing frequency coordination and licensing processes foster efficient use of spectrum through flexibility and availability of services. The action proposed in the Petition would limit growth, increase cost to users, and reduce the benefits of the frequency coordination and licensing processes that have worked so well.

The FWCC Petition repeatedly makes statements and assertions that reflect a lack of understanding of satellite operations. Further, the Petition does not present a true picture of the spectrum sharing environment that has successfully fostered the development of point-to-point terrestrial facilities and satellite earth stations for over thirty years. The ability to share spectrum has contributed greatly to the dramatic economic growth of wireless and space-based telecommunications services.

From our perspective, the FWCC Petition through over-generalization incorrectly gives the impression that the sharing approach is unfair and flawed. TIA SCD strongly disagrees that the various satellite applications within the scope of Fixed-Satellite Service ("FSS") can or should be generalized into a single type of operation. Likewise, it is equally inappropriate to group all of the Fixed Services ("FS") represented in those same frequency bands into a single category. To take such a generalized approach and to treat the various FSS and FS as if they operated the same, would only serve to create inefficiencies and inequities.

TIA SCD also feels that full-band/full-service arc FSS earth station Prior Coordination Notices and FS full-band Prior Coordination Notices are equally beneficial to both industries. An earth station must be able to have the flexibility to match the space segment configuration with which it operates and which will likely change over time. Without this flexibility, growth at earth stations will be limited and satellite capacity could be rendered unusable at particular earth stations, thereby impacting the economic viability of those earth stations and satellite networks, and more importantly harming the users of those services. FSS earth station operators must have the flexibility to change satellites and transponder channelization plans for numerous operational reasons, including integration of newly deployed spacecraft. FSS operators have large investments in operating satellites and therefore must have the flexibility to operate with full-band earth stations in order to utilize the space segment efficiently. By accommodating these changing requirements, through the frequency coordination and licensing processes, both communities benefit.

Prior Coordination Interference Case Resolution is done by an industry process, not by specific FCC Rules. While the industry process of frequency coordination is not specifically defined in the FCC Rules, the industry has developed and uses a well documented, rigorous process to conduct coordination. Therefore, changes to the FCC Rules as requested in the Petition, are not required.

In its Petition, the FWCC alleges that FSS earth station applicants accept interference upon initial Prior Coordination, then refuse to accept interference in subsequent FS Prior Coordination Notices. The Petition seems to ignore the

implications of multiple exposures and increased interference levels. Likewise, the FWCC is silent about the fact that the very same situation exists within FS-to-FS Prior Coordinations.

In our view, if such cases do arise, they are primarily due to a lack of documentation and tracking of previous coordination interference case resolutions. For example, an earth station applicant may accept an initial interference case due to knowledge of local shielding such as a building, but a subsequent FS Prior Coordination Notice may not trigger reference to that building and therefore the building will not be taken into account in that coordination.

We agree with the FWCC in that Prior Coordination Notice interference case resolution should be fair and that initial case resolution should be considered in subsequent coordinations. However, we strongly feel that the rules proposed in the Petition are not needed and should not be adopted. The Prior Coordination Notice process is an industry activity and as such the National Spectrum Managers Association is the proper forum to address recommendations regarding fairness in interference case resolutions.

Initial and subsequent FSS earth station Prior Coordination Notices do not unfairly block FS stations as incorrectly asserted at page 6 of the FWCC Petition. There, the Petition states: "Worse still, even if a point-to-point station successfully coordinates with an earth station on an unused frequency, the earth station remains free at any time to expand its operations and displace the terrestrial station." This statement is incorrect and contrary to the FCC Rules and industry practice in carrying out the coordination and licensing process. We know of no

rules, industry practices, nor circumstances where one licensee can displace another as alleged in the Petition.

The FWCC Petition seeks to impose bandwidth utilization requirements upon the FSS. Such limitations are inappropriate for satellite operations since the FSS is based on flexible and efficient space segment utilization and, therefore, it is critical for earth stations to be able to accommodate changes in that space segment. FSS Geosynchronous Satellite Orbit ("GSO") satellites have a typical life expectancy of 10-15 years and the associated gateway type earth stations have an even longer operating life. The economics of satellite operation dictate long-term investment in earth stations and satellites, which would be wasted with prescribed timed utilization requirements. It is important to note the space segment economics (transponder cost) precludes operating more bandwidth than is necessary at any given time. This is a self-policing economic scenario which, would be negatively affected by additional unnecessary regulations.

The evolution of the satellite industry has been driven by competition. Marketplace forces have motivated satellite operators to market bandwidth on a transponder and partial transponder basis. Thus, contrary to the assertion in the Petition, earth station operators do not operate more bandwidth than is necessary because a lightly loaded large bandwidth radiofrequency ("RF") carrier would be cost prohibitive. The FWCC Petition seems to ignore these facts and instead falsely accuses the FSS operators of warehousing spectrum.

For the reasons provided above, the FCC should dismiss the Petition for Declaratory Ruling filed by the FWCC and should not adopt the proposed rule changes to 47 CFR Part 25. The proposed rules would only serve to handicap the

FSS industry and would impose limitations that would reduce the effectiveness of the existing successful sharing between the two services, resulting in increased cost to the consumer

Respectfully submitted,

Satellite Communications Division
Telecommunications Industry Association

Dr. Thomas Brackey, Chairman
Satellite Communications Division
Telecommunications Industry Association

Dan Bart, Vice President-Standards and
Technology



Gerald Rosenblatt, Manager, Technical
and Regulatory Affairs
2500 Wilson Blvd., Suite 300
Arlington, VA 22201

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703-907-7722